

REMARKS

Claims 85 and 91-100 were pending in this application. Claims 85, 91-92 and 94-99 were variously rejected under 35 U.S.C. § 112, first paragraph. Claims 96 and 100 were variously rejected under 35 U.S.C. § 102(b) as allegedly being anticipated under Shi *et al.* Upon entry of the present Amendment, claims 85, 91, 92, 94-100 will be pending. Claim 93 is canceled. Applicant reserves the rights to pursue the canceled and/or withdrawn subject matter in a subsequent application. The above-described amendments do not introduce any new matter into the present application.

Withdrawn rejections

Applicant appreciates the Examiner's withdraw of the previous rejections under 35 U.S.C. §§ 102 and 112.

Due date for responding to the previous Office Action

The previous Office Action (Paper No. 19) was mailed out on October 12, 2002. An one-month, instead a three-month, due date was indicated in the Office Action. However, in a teleconference between the Examiner and the undersigned on November 6, 2002, the Examiner indicated that the one-month due date was an error and a response to the present Office Action is due three months from its mailing date, *i.e.*, January 11, 2003. Accordingly, applicant respectfully requests that this one-month to three-month due-date change be clearly indicated in the record of the present application.

Rejection under 35 U.S.C. § 102

It is alleged that claims 96 and 100 lack support in the parent application Serial No. 08/875,527 for reciting a CD28:gp115 bispecific monoclonal antibody. It is also alleged that claims 96 and 100 are anticipated by Shi *et al.* (1996, previously of record).

To advance prosecution and without conceding correctness of the Examiner's allegation, claims 96 and 100 have been amended so that a CD28:gp115 bispecific monoclonal antibody is

no longer recited. Accordingly, claims 96 and 100, in the presently amended form, are entitled to the priority date of the parent application Serial No. 08/875,527, filed June 11, 1997, which claims priority of a provisional application Serial No. 60/019,639, filed June 12, 1996. Shi *et al.* was removed from prior art in view of the Declaration of Yajun Guo pursuant to 37 C.F.R. § 1.132 for claims 96 and 100.

It is respectfully submitted that the rejection of claims 96 and 100 under 35 U.S.C. § 102 is overcome by the above remarks and/or amendments and must be withdrawn.

Rejection under 35 U.S.C. § 112

The only remaining non-enablement rejection is due to the recitation of “cytokine” in claim 85.

This rejection is overcome by replacing “cytokine” with “IFN- γ and/or TNF- α ” in claim 85.

It is respectfully submitted that the rejection of claim 85 under 35 U.S.C. § 112 is overcome by the above remarks and/or amendments and must be withdrawn.

CONCLUSION

Applicant respectfully submits that the rejections of claims 85, 91, 92 and 94-99 under 35 U.S.C. §112, first paragraph and the rejection of claims 96 and 100 under 35 U.S.C. 102 have been overcome by the above remarks and/or amendments. Early allowance of the pending claims 85, 91, 92 and 94-100 are earnestly requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **532732000200**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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